

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12866 of Irene Chumas, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from a beauty parlor, first floor, to a barber shop unisex, first floor, in a R-4 District at the premises 821 East Capitol Street, S.E., (Square 920, Lot 812).

HEARING DATE: March 13, 1979

DECISION DATE: March 13, 1979 (from the bench)

FINDINGS OF FACT

1. The subject property is located in an R-4 District on the southwest corner of the intersection of 9th and East Capitol Street, S.E., and is known as 821 East Capitol Street.

2. The subject site is developed with a structure containing two stories above ground and a basement.

3. The subject building occupies one hundred per cent of the lot.

4. The last recorded Certificate of Occupancy for the front portion of the first floor of the building facing East Capitol Street was for a beauty parlor (No. B-81232, dated December 2, 1975). That portion of the building is currently vacant. The remaining portion of the building is being used for residential purposes, containing two apartments on the second floor and one apartment on the rear of the first floor.

5. The applicant proposes to change the non-conforming use of a beauty parlor to a barber shop wherein the operator would cut both men's and women's hair.

6. Both a beauty parlor and barber shop are uses which are first permitted as a matter-of-right in a C-1 District.

7. The proposed use would be primarily a neighborhood facility, serving residents of the Capitol Hill area.

8. There would be no increase in noise, traffic or other objectionable effects as a result of the change, since the existing and proposed uses are essentially the same, and there is no expansion of the use proposed.

9. There are some other non-conforming commercial uses in the R-4 District in the vicinity, including a beauty parlor across 9th Street, a branch of a bank on the opposite side of East Capitol Street and three other uses one block to the west at East Capitol Street and 9th Street. The area is primarily developed with row dwellings and some apartment buildings. The neighborhood is in the process of being upgraded through renovation and rehabilitation of existing buildings.

10. The Office of Planning and Development, by report dated February 16, 1979 and by testimony at the hearing, recommended that the application be approved. The Office of Planning and Development reported that the proposed change in land use will not be an intensification of the site's former use, but will result in the same basic level of operation. The Office of Planning and Development further reported that the proposed use will not adversely affect the surrounding area and will be in harmony with the general purpose and intent of the Zoning Regulations.

11. The Capitol Hill Restoration Society, by letter dated February 20, 1979, expressed the view that the operator could operate a barber shop on the premises as a matter-of-right under the Zoning Regulations. The Society expressed no opposition to the application. The Zoning Regulations Division, DHCD, testified at the hearing that it did not approve a Certificate of Occupancy for the proposed use since it was not the same as the previous use.

12. There was no report from Advisory Neighborhood Commission 6B.

13. There was no opposition to the application.

CONCLUSION OF LAW AND OPINION

Based on the record, the Board concludes that the change of use can be permitted, because the proposed use is permitted in the most restrictive district in which the existing use is permitted. The Board further concludes that the proposed change of use meets the requirements of the Zoning Regulations, in that the proposed use is a neighborhood facility, will not intensify the use of the premises and will not have an adverse effect on surrounding property. The Board further concludes that the proposed use would be in harmony with the general purpose and intent of the Zoning Regulations and Maps.

The Board notes the position of the Capitol Hill Restoration Society and the Zoning Regulations Division regarding the need for this applicant to appear before the Board. Since the applicant did file, and the Board herein has determined that the application complies with the Zoning Regulations and granted the application, the Board takes no position on the views expressed by either group.

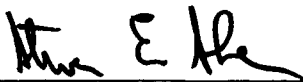
It is therefore hereby ORDERED that the application is GRANTED.

VOTE

4-0 (William F. McIntosh, Charles R. Norris, Leonard L. McCants and Chloethiel Woodard Smith to grant).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER

20 MAR 1979

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE OF THIS ORDER.